

REMARKS

At the time of the Final Office Action dated February 25, 2010 (the Fifth Office Action), claims 1, 4, 5, 7-9, 12, 13, 15-17, 20, 21, 23 and 24 were pending in this application. Claims 1, 4, 5, 7-9, 12, 13, 15-17, 20, 21, 23 and 24 were rejected, and claims 7, 8, 15, 16, 23 and 24 were objected to as depending from rejected claims. Claims 7, 8, 15, 16, 23 and 24 were indicated as being allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 101, set forth in the Fifth Office Action and including all the limitations of the base claim and any intervening claims.

CLAIMS 17,20-21 AND 23-24 ARE REJECTED UNDER 35 U.S.C. § 101

On page 2, paragraph 2 of the Fifth Office Action, the Examiner asserted that the claimed invention, as recited in claims 17, 20-21, 23-24, fails to meet the requirements of 35 U.S.C. § 101.

Although Applicants **strongly** disagree with the Examiner's assertion that independent claim 17 is not directed to statutory subject matter, independent claim 17 and dependent claims 20-21 and 23-24 have been withdrawn to place the application in condition for allowance, so that the remaining allowable claims can issue. Applicants are not conceding in this application that those claims are not patentable, as the present claim withdrawal are only for facilitating expeditious prosecution of the allowable subject matter noted by the Examiner. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

**CLAIMS 1, 4-5, 9, 12-13, 17 AND 20-21 ARE REJECTED UNDER 35 U.S.C. § 103 FOR
OBVIOUSNESS BASED UPON U.S. PATENT NO. 6,016,501 TO MARTIN, ET AL., (HEREINAFTER
MARTIN) IN VIEW OF U.S. PATENT NO. 6,985,905 B2 TO PROMPT, ET AL., (HEREINAFTER
PROMPT) AND IN FURTHER VIEW OF U.S. PATENT NO. 6,978,115 B2 TO WHITEHURST, ET AL.,
(HEREINAFTER WHITEHURST)**

Claim 1 has been amended to include the allowable subject matter of claim 7 and Claim 9
has been amended to include the allowable subject matter of claim 15, and thus, the Examiner's
rejection of these claims 1, 4-5, 9 and 12-13, is moot.

For the reasons submitted above, Applicants respectfully solicit withdrawal of the imposed
rejection of claims 1, 4-5, 9 and 12-13 under 35 U.S.C. § 103, and the allowance of all claims
currently pending in this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500563, and please credit any excess fees to such deposit account.

Date: June 25, 2010

Respectfully submitted,

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